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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 30th December, 1972/Pausa 9, 1894 (Saka)

The following Act of Parliament received the assent of the President on the 30th December, 1972, and is hereby published for general information:—

THE DELIMITATION ACT, 1972
No. 76 OF 1972

[*30th December,* 1972]

An Act to provide for the read justment of the allocation of seats in the House of the People to the States, the total number of seats in the Legislative Assembly of each State, in the division of each State and each Union territory having a Legislative Assembly and the Union territory of Delhi into territorial constituencies of elections to the House of the People and Legislative Assemblies of the States and Union territories and Metropolitan Council of Delhi and for matters connected therewith.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Delimitation Act, 1972.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "article" means an article of the Constitution;

(*b*) "associate member" means a member nominated under section 5;

(*c*) "Commission" means the Delimitation Commission constituted under section 3;

(*d*) "Legislative Assembly" includes the Metropolitan Council of Delhi;

(*e*) "latest census figures" mean the census figures as ascertained at the census held in 1971;

(*f*) "member" means a member of the Commission and includes the Chairman;

(*g*) "State" includes a Union territory having a Legislative Assembly but does not include the State of Jammu and Kashmir.

Constitution of Delimitation Commission.

3. (*1*) As soon as may be after the commencement of this Act, the Central Government shall constitute a Commission to be called the Delimitation Commission which shall consist of three members as follows:—

(*a*) two members, each of whom shall be a person who is or has been a Judge of the Supreme Court or of a High Court, to be appointed by the Central Government; and

(*b*) the Chief Election Commissioner, *ex officio*.

(*2*) The Central Government shall nominate one of the members appointed under clause (*a*) of sub-section (*1*) to be the Chairman of the Commission.

Duties of the Commission.

4. It shall be the duty of the Commission to readjust on the basis of the latest census figures the allocation of seats in the House of the People to the several States, the total number of seats in the Legislative Assembly of each State and the division of each State into territorial constituencies for the purpose of elections to the House of the People and to the State Legislative Assembly:

Provided that where on such readjustment only one seat is allocated in the House of the People to a State, the whole of that State shall form one territorial constituency for the purpose of elections to the House of the People from that State:

Provided further that it shall not be necessary for the Commission to readjust the allocation of seats in the House of the People to any Union territory or the total number of seats in the Legislative Assembly of any of the Union territories of Goa, Daman and Diu, Pondicherry and Mizoram or the total number of seats in the Metropolitan Council of the Union territory of Delhi.

Associate members.

5. (*1*) The Commission shall associate with itself for the purpose of assisting it in its duties in respect of each State, ten persons five of whom shall be members of the House of the People representing that State and five shall be members of the Legislative Assembly of that State:

Provided that where the number of members of the House of the People representing any State is five or less, then all such members shall be the associate members for that State and in the latter case the total number of associate members shall be less than ten by such number as by which the total number of members of the House of the People representing that State is less than five.

(*2*) The persons to be so associated from each State shall be nominated, in the case of members of the House of the People, by the Speaker of that House, and in the case of members of a Legislative Assembly, by the Speaker of that Assembly, having due regard to the composition of the House or, as the case may be, of the Assembly.

(3) The first nominations to be made under sub-section (2)—

(a) shall be made by the Speakers of the several Legislative Assemblies within one month, and by the Speaker of the House of the People within two months, of the commencement of this Act, and

(b) shall be communicated to the Chief Election Commissioner, and where the nominations are made by the Speaker of a Legislative Assembly, also to the Speaker of the House of the People.

(4) None of the associate members shall have a right to vote or to sign any decision of the Commission.

Casual vacancies.

6. If owing to death or resignation the office of the Chairman or of a member or of an associate member falls vacant, it shall be filled as soon as may be practicable by the Central Government or the Speaker concerned under and in accordance with the provisions of section 3, or, as the case may be, of section 5.

Procedure and powers of the Commission.

7. (1) The Commission shall determine its own procedure and shall in the performance of its functions have all the powers of a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:—

5 of 1908.

(a) summoning and enforcing the attendance of witnesses;

(b) requiring the production of any document; and

(c) requisitioning any public record from any court or office.

(2) The Commission shall have power to require any person to furnish any information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, any matter under the consideration of the Commission.

(3) The Commission may authorise any of its members to exercise any of the powers conferred on it by clauses (a) to (c) of sub-section (1) and sub-section (2), and any order made or act done in exercise of any of those powers by the member authorised by the Commission in that behalf shall be deemed to be the order or act, as the case may be, of the Commission.

(4) If there is a difference of opinion among the members, the opinion of the majority shall prevail, and acts and orders of the Commission shall be expressed in terms of the views of the majority.

(5) The Commission as well as any group of associate members shall have power to act notwithstanding the temporary absence of a member or associate member or the existence of a vacancy in the Commission or in that or any other group of associate members; and no act or proceeding of the Commission or of any group of associate members shall be invalid or called in question on the ground merely of such temporary absence or of the existence of such vacancy.

(6) The Commission shall be deemed to be a civil court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898.

5 of 1898.

Explanation.—For the purposes of enforcing the attendance of witnesses, the local limits of the jurisdiction of the Commission shall be the limits of the territory of India.

Readjustment of number of seats.

8. The Commission shall, on the basis of the latest census figures and having regard to the provisions of articles 81, 170, 330 and 332, and also, in relation to the State of Nagaland clause (2)(*h*) of article 371A and sub-section (*1*) of section 11 of the State of Nagaland Act, 1962, in relation to the Union territories except Delhi sections 3 and 39 of the Government of Union Territories Act, 1963 and in relation to the Union territory of Delhi section 3 and sub-section (*1*) of section 4 of the Delhi Administration Act, 1966, by order determine— 27 of 1962. 20 of 1963. 19 of 1966.

(*a*) the number of seats in the House of the People to be allocated to each State and the number of seats, if any, to be reserved for the Scheduled Castes and for the Scheduled Tribes of the State; and

(*b*) the total number of seats to be assigned to the Legislative Assembly of each State and the number of seats, if any, to be reserved for the Scheduled Castes and for the Scheduled Tribes of the State:

Provided that the total number of seats assigned to the Legislative Assembly of any State under clause (*b*) shall be an integral multiple of the number of seats in the House of the People allocated to that State under clause (*a*).

Delimitation of constituencies.

9. (*1*) The Commission shall, in the manner herein provided, then distribute the seats in the House of the People allocated to each State and the seats assigned to the Legislative Assembly of each State to single-member territorial constituencies and delimit them on the basis of the latest census figures, having regard to the provisions of the Constitution and the provisions of the Acts specified in section 8 and also to the following provisions, namely:—

(*a*) all constituencies shall, as far as practicable, be geographically compact areas, and in delimiting them regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience;

(*b*) every assembly constituency shall be so delimited as to fall wholly within one parliamentary constituency;

(*c*) constituencies in which seats are reserved for the Scheduled Castes shall be distributed in different parts of the State and located, as far as practicable, in those areas where the proportion of their population to the total is comparatively large; and

(*d*) constituencies in which seats are reserved for the Scheduled Tribes shall, as far as practicable, be located in areas where the proportion of their population to the total is the largest.

(*2*) The Commission shall—

(*a*) publish its proposals for the delimitation of constituencies, together with the dissenting proposals, if any, of any associate member who desires publication thereof, in the Gazette of India and in the Official Gazettes of all the States concerned and also in such other manner as it thinks fit;

(*b*) specify a date on or after which the proposals will be further considered by it;

(*c*) consider all objections and suggestions which may have been received by it before the date so specified, and for the purpose of such consideration, hold one or more public sittings at such place or places in each State as it thinks fit; and

(*d*) thereafter by one or more orders determine—

(*i*) the delimitation of parliamentary constituencies, and

(*ii*) the delimitation of assembly constituencies,

of each State.

Publication of orders and their date of operation.

10. (*1*) The Commission shall cause each of its orders made under section 8 or section 9 to be published in the Gazette of India and in the Official Gazettes of the States concerned.

(*2*) Upon publication in the Gazette of India, every such order shall have the force of law and shall not be called in question in any court.

(*3*) As soon as may be after such publication, every such order shall be laid before the House of the People and the Legislative Assemblies of the States concerned.

(*4*) Subject to the provisions of sub-section (*5*), the readjustment of representation of the several territoial constituencies in the House of the People or in the Legislative Assembly of a State and the delimitation of those constituencies provided for in any such order shall apply in relation to every election to the House or to the Assembly, as the case may be, held after the publication in the Gazette of India of that order and shall so apply in supersession of the provisions relating to such representation and delimitation contained in the Representation of the People Act, 1950, and the Delimitation of Parliamentary and Assembly Constituencies Order, 1966, and any final orders of the Election Commission relating to the delimitation of parliamentary constituencies or, as the case may be, of assembly constituencies of any State made in pursuance of the provisions of any other Acts.

43 of 1950.

(*5*) Nothing in this section shall affect the representation in the House of the People or in the Legislative Assembly of a State until the dissolution of the House or of the Assembly, as the case may be, existing on the date of publication in the Gazette of India of the final order or orders of the Commission relating to the delimitation of parliamentary constituencies or, as the case may be, of the assembly constituencies of that State and any bye-election to fill any vacancy in such House or in any such Assembly shall be held on the basis of the provisions of the laws and orders superseded by sub-section (*4*) as if the said provisions had not been superseded.

Power to maintain delimitation orders up-to-date.

11. (*1*) The Election Commission may, from time to time, by notification in the Gazette of India and in the Official Gazette of the State concerned,—

(*a*) correct any printing mistake in any of the orders made by the Delimitation Commission under section 9 or any error arising therein from an inadvertent slip or omission; and

(*b*) where the boundaries or name of any district or any territorial division mentioned in any of the said orders are or is altered, make such amendments as appear to it to be necessary or expedient for bringing the orders up-to-date, so however that the boundaries or areas or extent of any constituency shall not be changed by any such notification.

(2) Every notification under this section shall be laid, as soon as may be after it is issued, before the House of the People and the Legislative Assembly of the State concerned.

K. K. SUNDARAM,
Secy. to the Govt. of India.

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